

HOUSE BILL No. 5442

November 8, 2007, Introduced by Reps. Dean, Tobocman, Lahti, Sheltroun, Simpson, Scott, Meadows, Miller, Alma Smith, Sak, LeBlanc, Clack, Hammel, Lemmons, Hammon, Byrum, Gonzales, Polidori, Corriveau, Constan, Wojno, Kathleen Law, Leland, Espinoza, Brown, Ebli, Hopgood, Bauer and Jackson and referred to the Committee on Banking and Financial Services.

A bill to amend 1966 PA 346, entitled
"State housing development authority act of 1966,"
by amending section 21 (MCL 125.1421), as amended by 2000 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) There is created a public body corporate and
2 politic to be known as the "Michigan state housing development
3 authority". The authority shall consist of 3 heads of principal
4 departments of the executive branch of the state government and 4
5 persons appointed by the governor with the advice and consent of
6 the senate. Excluding the 3 heads of principal departments of the
7 executive branch of state government and the designated resident
8 member described in subsection (2), not more than 2 of the persons
9 appointed shall be members of the same political party. Upon

1 completion of each term, a person shall be appointed for a term of
2 4 years, except that a vacancy shall be filled for the unexpired
3 term. A member of the authority shall not receive compensation for
4 services but is entitled to the necessary expenses, including
5 traveling expenses, incurred in the discharge of the member's
6 duties. Each member shall hold office until a successor has been
7 appointed and has qualified. A certificate of appointment or
8 reappointment of a member shall be filed with the authority and
9 this certificate shall be conclusive evidence of the proper
10 appointment of that member.

11 (2) If federal law requires designation of a resident member
12 on the authority, the number of gubernatorially appointed members,
13 in addition to the 3 heads of principal departments, increases from
14 4 to 5. One of the 5 gubernatorially appointed members shall be the
15 designated resident member. The resident member shall meet both of
16 the following requirements:

17 (a) The person is an individual directly assisted by a federal
18 housing program administered through the authority. As used in this
19 subdivision, "directly assisted" means residing in federally-
20 supported public housing or receiving section 8 tenant-based
21 assistance. Directly assisted does not include a state-financed
22 housing assistance program, section 8 project-based assistance, or
23 section 8 new construction assistance.

24 (b) The person is an eligible resident. As used in this
25 subdivision, "eligible resident" means a person whose name appears
26 on the lease of the assisted housing who is 18 years of age or
27 older.

1 (3) A person who no longer meets either requirement of
2 subsection (2)(a) or (b) is removed from the authority for cause
3 upon the appointment of another person as the resident member
4 position.

5 (4) The powers of the authority shall be vested in the members
6 in office. A majority of the members of the authority constitutes a
7 quorum for the purpose of conducting the authority's business, for
8 exercising the authority's powers, and for other purposes,
9 notwithstanding the existence of any vacancies. Action may be taken
10 by the authority upon a vote of a majority of the members present,
11 unless the bylaws of the authority require a larger number, except
12 that to the extent required by federal law, the resident member
13 shall only take part in, vote on, and exercise the powers of the
14 authority concerning decisions related to the administration,
15 operation, and management of federal public housing programs and
16 section 8 tenant-based assistance programs. The resident member
17 shall not take part in, vote on, or exercise the powers of the
18 authority in a matter that uniquely applies to the resident member
19 and is not generally applicable to all residents. In the absence of
20 fraud, a determination of the authority with respect to findings of
21 fact made by the authority acting within the scope of its powers is
22 conclusive, except with respect to the approval of the municipal
23 finance commission or its successor agency as required by law.

24 (5) Meetings of the members of the authority may be held
25 anywhere in this state. The business that the authority may perform
26 shall be conducted at a public meeting of the authority held in
27 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to

1 15.275. Public notice of the time, date, and place of the meeting
2 shall be given in the manner required by the open meetings act,
3 1976 PA 267, MCL 15.261 to 15.275.

4 (6) The authority shall elect a chairperson and vice-
5 chairperson. The authority shall employ an executive director,
6 legal and technical experts, and other officers, agents, and
7 employees, permanent and temporary, as the authority requires, and
8 shall determine their qualifications, duties, and compensation. The
9 authority may delegate to 1 or more agents or employees those
10 powers or duties as the authority considers proper.

11 (7) The authority shall be within the department of ~~consumer~~
12 ~~and industry services~~ **LABOR AND ECONOMIC GROWTH** and shall exercise
13 the authority's prescribed statutory powers, duties, and functions
14 independently of the head of that department. ~~However, the~~
15 ~~budgeting, procurement, and related functions of the authority~~
16 ~~shall be performed under the direction and supervision of the~~
17 ~~director of consumer and industry services.~~

18 (8) As used in this section, "section 8" means section 8 of
19 the United States housing act of 1937, ~~chapter 896, 88 Stat. 662,~~
20 ~~42 U.S.C.~~ **USC** 1437f.